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Ohio pushes other oil-producing states on seismic rules

Mike Lee, E&E reporter  
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BILOXI, Miss. -- Energy regulators in Ohio are trying to jump-start discussions on how to handle earthquakes linked to oil and gas operations.

Ohio's Department of Natural Resources was among the first to impose restrictions on wastewater wells associated with oil and gas operations and has also placed restrictions on hydraulic fracturing. Rick Simmers, the head of the department's oil and gas division, touted Ohio's approach in a speech yesterday to the Interstate Oil and Gas Compact Commission, a coordinating group for state regulators that is meeting here.

"We want to have a collaborative effort and work with industry to figure out induced seismicity," Simmer said.

About a dozen states, along with federal agencies, joined a discussion on earthquakes, Simmers said. In an interview, Simmers stopped short of saying other states should adopt Ohio's approach but said he wants to hold another, longer session on induced seismicity at the IOGCC's next meeting, which will be in Ohio.

"If nothing else, what we've done has started a discussion in other states," Simmers said in an interview.

Ohio shut down an injection well after a magnitude-3.9 quake struck near Youngstown on Dec. 31, 2011. After that, the state began requiring real-time seismic monitoring for injection wells, along with other types of testing. The state announced the new rules at the same time it announced the link between injection and the Youngstown quakes.

In April, Ohio made the clearest link yet between earthquakes and producing wells that are hydraulically fractured. The DNR began requiring operators to install seismic monitors if they drill shale wells within 3 miles of an underground fault. If the monitors detect an earthquake of a magnitude greater than 1, drilling is stopped (EnergyWire, April 14).

Simmers said states may have more authority than federal agencies to address earthquakes. U.S. EPA regulates underground injection, for instance, but only as it applies to water quality, and it doesn't regulate hydraulic fracturing. That fits with IOGCC's history of promoting state agencies as the appropriate regulators for the oil and gas industry.

"It's very important that states lead this," Simmers said. "The seismicity that occurs in Ohio is very different than what occurs in California or Oklahoma."

The issue could be a good chance for states to showcase their ability to share information and take action, said Scott Anderson, a policy adviser with the Environmental Defense Fund.

"Once they do have enough information to act, it's important that they act decisively," he said.

Oil and gas production itself isn't thought to contribute to most man-made earthquakes. Instead, researchers have found a link between quakes and the deep injection wells used to get rid of used fracking fluid and other waste. The high-volume hydraulic fracturing that is driving the resurgence in domestic oil and gas production has caused a surge in the amount of wastewater that companies must dispose of.

In Oklahoma, the U.S. Geological Survey and state Geological Survey said May 5 that injection wells are a "likely contributing factor" to the swarm of earthquakes that have hit the state. There have been 145 earthquakes more powerful than magnitude 3.0 as of early May, more than in all of 2013, and the probability of a damaging earthquake has increased significantly (EnergyWire, May 6).

Oklahoma has proposed new regulations on some injection wells, including additional reporting requirements. Those rules still have to be approved by the state Legislature, said Matt Skinner, a spokesman for the Oklahoma Corporation Commission.

While Oklahoma regulators are involved in talks with Ohio, Skinner said he couldn't say whether Oklahoma would follow Ohio's approach.

"All I can say is, we're actively sharing information," he said.

In Texas, the state Railroad Commission and the oil industry have resisted any regulations, despite protests from residents around the small town of Azle, who have experienced a string of about 30 small earthquakes.

The Railroad Commission, which regulates the energy industry, hired a seismologist in April. Its executive director, Milton Rister, said May 12 that the agency has the authority to take action against wells linked to earthquakes, but it would require a hearing before the three elected commissioners.

Deb Hastings, executive vice president of the Texas Oil and Gas Association, said the state should wait for a conclusive link before it passes any regulations.

"We don't want to do anything without facts," she said.

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